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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,838	01/22/2002	Ann C. Savoca	1995.PHM	5024

7590

04/17/2003

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EXAMINER

NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 04/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,838

Applicant(s)

SAVOCA ET AL.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claims

1. Claims 1-24 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 22 January 2002 (Paper No. 2) was considered by the examiner.
3. The three pending US applications cited on the form PTO-1449 have been considered. However, they have been deleted from the form because pending applications are not published and are not properly included in listings on the face of any patent issuing from this case.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Petrash et al (EPO 1086980A1).

Petrash teaches, at page 8, lines 35-38, aqueous compositions containing about 2% star polymers for coating rubber latex articles. The compositions are used as mold release agents, along with calcium nitrate, as part of the coagulant mixture used to coat the glove former (page 8, lines 45-51). Natural rubber latex is used (page 11, line 3). The side of the latex article that does not have the star polymers coated thereon is

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chlorinated (page 9, lines 6-7). The star polymers have the glass transition properties recited in applicants' claims (page 6, lines 53+). Various articles, including gloves, are made (claim 14 at page 12).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Petrash et al in view of Momose et al (EPO 03546580A2).

Petrash is discussed above. It fails to teach all of the process steps in applicants' claims or the use of chlorine in water.

Momose discloses applicants' overall process in its Figure 1. At col. 6, lines 54+, it teaches that calcium nitrate coagulant is used to coat the glove former before the rubber latex is coated on it. The gloves are chlorinated using a chlorine gas/water mixture (col. 4, lines 8-9). In its abstract, it teaches that chlorinating one or both surface

of the gloves imparts desirable slipperiness to them. At col. 5, lines 37-38, it teaches the use of more chlorine on the inner surface of the gloves.

The references are analogous because they both deal with the production of chlorinated rubber gloves.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the chlorination process of Momose to make the gloves of Petrash in order to insure the slipperiness of the glove surfaces.

The motivation to employ the chlorine/water mix and the process steps of Momose to make the gloves of Petrash is found in the Momose abstract, where its chlorination process is said to yield greater slipperiness on the surfaces of its gloves.

It is deemed desirable to make rubber gloves having good slipperiness so that they may be donned easily by consumers.

The use of a synthetic polymer latex to make the gloves is deemed a matter of engineering preference, depending upon the properties desired in the gloves.

The use of separate steps to coat the former with polymer and coagulant, per applicants' claims 7, 14, and 20 is deemed a matter of engineering preference, depending upon the desirability of simplifying the production process.

Conclusion

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

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If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The fax number for after final communications is 703/872-9310. The receptionist answers 703/308-0661.



S. M. Nolan
Patent Examiner
Technology Center 1700

SMN/smn
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